

Remarks

1. Summary of Office Action

In the Office Action mailed April 7, 2006, the Examiner rejected claims 8-9, 11, 16-17, 33, and 40-42 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,343,212 (Weber et al.) in view of U.S. Patent No. 5,778,304 (Grube et al.). The Examiner rejected claim 43 under 35 U.S.C. §103(a) as being unpatentable over Weber et al. in view of Grube et al. and U.S. Patent Application Publication No. 2001/0031641 (Ung et al.).

2. Pending Claims

Now pending in this application are claims 8-9, 11, 16-17, 33, and 40-43, of which claim 11 is independent.

The present invention, as described in the specification, involves altering operation of a device based on location. The device has default control logic that causes the device to present an audible alert signal when the device receives a ring signal. When the device is in a given location, a *first entity* provides the device with a control signal associated with the given location. In response to receiving the control signal, the device requests a *second entity* to provide a set of alternative control logic to be executed by the device when the device receives the ring signal. The device receives the set of alternative control logic from the *second entity* and then stores the set of alternative control logic in data storage. Execution of the set of alternative control logic causes the device to vibrate rather than ring in response to receiving the ring signal.

This invention is covered by the claims. For instance, claim 11 recites “a method of altering operation of a device based on location, the device having default control logic that causes the device to present an audible alert signal when the device receives a ring signal, the

method comprising in combination: (i) when the device is in a given location, the device receiving from a *first entity* a control signal associated with the given location and the device responsively requesting a *second entity* for a set of alternative control logic to be executed by the device when the device receives the ring signal, wherein the alternative control logic causes the device to present a vibration alert signal when the device receives the ring signal; (ii) the device receiving the set of alternative control logic from the *second entity*; (iii) the device storing the set of alternative control logic in data storage; (iv) the device thereafter receiving the ring signal and responsively applying the alternative control logic to present the vibration alert signal rather than applying the default control logic to present the audible alert signal; and (v) upon a predetermined duration after the device has exited the given location, the device reverting to a mode in which the device applies the default control logic rather than the alternative control logic.” (Emphasis added).

3. Response to Rejections

a. Claims 8-9, 11, 16-17, 33, and 40-42

The Examiner rejected claims 8-9, 11, 16-17, 33, and 40-42 under 35 U.S.C. §103(a) as being unpatentable over Weber et al. in view of Grube et al. According to M.P.E.P §2143, in order to establish a *prima facie* case of obviousness of a claimed invention by applying a combination of references, the combination must disclose or suggest all of the claim limitations. Applicant respectfully traverses the obviousness rejection of claims 8-9, 11, 16-17, 33, and 40-42 because the combination of Weber et al. and Grube et al. fails to disclose or suggest all of the limitations of these claims, as required to support an obviousness rejection.

In particular, with respect to claim 11, the combination of Weber et al. and Grube et al. does not disclose or suggest (i) when the device is in a given location, the device *receiving from*

a first entity a control signal associated with the given location and the device responsively *requesting a second entity* for a set of alternative control logic to be executed by the device when the device receives the ring signal, and (ii) the device *receiving* the set of alternative control logic *from the second entity*. (Emphasis added).

At best, Weber et al. teaches a mobile terminal for a wireless cellular telecommunication system, with (i) transmitting and receiving means for receiving mode change information transmitted from a base station, and (ii) control means for detecting received mode change information and changing an operation mode of the mobile terminal depending on the received mode change information so that a predetermined area is protected. (See, e.g., Weber et al., Col. 2, lines 33-38 and lines 43-45).

As for Grube et al., at best, Grube et al. teaches (i) a communication resource controller and a plurality of communication units, (ii) the communication resource controller determines whether a communication unit is located within a predetermined geographic region, and if so, the communication resource controller transmits a predefined message to the communication unit, (iii) the predefined message may alter, or reconfigure, the communication services that the communication unit may request, and (iv) the communication unit determines whether the predefined message requires an action, and performs the action if required. Grube et al. indicates the action may be setting a volume level, disabling the communication unit, or disabling the communication unit.

Even if mode change information (as taught by Weber et al.) or a predefined message that alters requested communication services (as taught by Grube et al.) are considered to be a set of alternative control logic, which Applicant does not concede, the combination of Weber et al. and Grube et al. merely teaches the transmission of the mode change information or the predefined

message from a first location (e.g., a base station or a communication resource controller) without teaching the functions of (i) receiving a control signal associated with a given location from a first entity and responsively requesting a set of alternative control logic from a second entity, and (ii) receiving the set of alternative control logic from the second entity.

In rejecting claim 11, the Examiner stated “Weber et al. does not specifically teach the device receiving a first entity a control signal associated with the given location and the device responsively requesting a second entity. In an analogous art, Grube et al. the device receiving a first entity a control signal associated with the given location and the device responsively requesting a second entity.” Applicant respectfully submits that this particular statement by the Examiner mischaracterizes the invention recited in claim 11 because claim 11 includes (i) a device receiving a control signal from a first entity, (as compared to receiving a first entity), and (ii) the device requesting a second entity for a set of alternative control logic, (as compared to requesting a second entity).

Because the combination of Weber et al. and Grube et al. fails to disclose or suggest all of the limitations of claim 11, a prima facie case of obviousness of this claim does not exist. Further, because each of claims 8-9, 16-17, 33, and 40-43 depend from claim 11, a prima facie case of obviousness of claims 8-9, 16-17, 33, and 40-43 does not exist as well.

b. Claim 43

The Examiner rejected claim 43 under 35 U.S.C. §103(a) as being unpatentable over Weber et al. in view of Grube et al. and Ung et al. The combination of Weber et al., Grube et al., and Ung does not disclose or suggest all of the limitations of claim 11, nor does it disclose or suggest all of the limitations of claim 43, which depends from claim 11 and necessarily includes all of the limitations of claim 11.

The combination of Weber et al. and Grube et al. has been discussed above, and that discussion is applicable here. Ung is also silent as to: (i) when the device is in a given location, the device *receiving from a first entity* a control signal associated with the given location and the device responsively *requesting a second entity* for a set of alternative control logic to be executed by the device when the device receives the ring signal, and (ii) the device *receiving* the set of alternative control logic *from the second entity*. (Emphasis added).

Because Ung does not cure the deficiencies of Weber et al. and Grube et al., Applicant respectfully submits that the rejection of dependent claim 43 should be withdrawn.

4. Conclusion

For the foregoing reasons, Applicant submits that claims 8-9, 11, 16-17, 33, and 40-43 are in condition for allowance. Therefore, Applicant respectfully requests favorable reconsideration and allowance of all of the claims.

Respectfully submitted,

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